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Factual Statements – OPP's Response

PPDC Workgroup on Comparative Safety
Statements for Pesticide Product Labeling
Meeting
Thursday, September 3, 2009



Background

- ❑ Previously, the Factual Statements subgroup was tasked with developing a limited set of statements for consideration.
- ❑ In June 2009, the subgroup developed the following statements which were presented to OPP in August 2009:
 1. CSF Based Product Statements
 2. Product Packaging Statements
 3. Corporate Commitment Statements
 4. Readily Biodegradable Statements
 5. Plant-Derived Statements



CSF Based Product Statements

- ❑ The subgroup provided “dye free” and “fragrance free” as examples of factual statements that could be verified with a review of the product’s CSF.
- ❑ OPP has agreed to these statements as part of the Antimicrobial Pilot.
- ❑ At this time, no other CSF based product statements would be accepted.



Product Packaging Statements

- ❑ The subgroup thought PR Notice 98-10 allowed “non-pesticidal characteristics” statements by “non-notification.”
- ❑ Specifically, under PR Notice 98-10, a statement about recycled content of pesticide packaging itself may be made in accordance with (FTC) Guidance.”
- ❑ OPP is in agreement that PR Notice 98-10 would allow for these statements in lieu of the pilot.



Corporate Commitment Statements

- ❑ The subgroup agreed that Corporate Commitment Statements should be further limited by excluding any claims of environmental performance or accomplishment.
- ❑ OPP believes limited Corporate Commitment Statements can be placed on websites. References on the product labeling are limited to the following:
“For technical assistance or information on Company “X’s” environmental initiatives, go to www.XXXX.com.”



Readily Biodegradable Statements

- ❑ Previously, the subgroup determined that “Readily Biodegradable in Water” statements could appear if data on product ingredients was submitted for Agency review.
- ❑ Currently, OPP is uncomfortable with these types of statements since there is no currently recognized test method for the biodegradability of product formulations. The OECD test methods are for individual components as opposed to product formulations.



Readily Biodegradable Statements (cont'd)

- ❑ Until a new method is developed, OPP believes these statements may be false and misleading as the purchaser could interpret the entire product as being biodegradable.
- ❑ Additionally, there was some question as to the relevance of this claim since most of the antimicrobial products are used indoors on hard, non-porous surfaces.
- ❑ At this time, “Readily Biodegradable” statements are excluded from the Antimicrobial Pilot.



Plant-Derived Statements

- ❑ “Plant-Derived” Statements should be based upon USDA “Bio-Based” rulemaking and ASTM carbon dating test method.
- ❑ Some Subgroup members prefer term “bio-based;” others prefer “plant-derived.”
- ❑ OPP believes the terms “plant-derived” and “bio-based” may be false and misleading to the purchaser as it implies a level of “safety”.
- ❑ At this time, these statements are not permitted for the Antimicrobial Pilot.



DfE Logo Claim

- ❑ OPP has determined that a new DfE website for Pesticides will be created.
- ❑ The OPP website shall be the only DfE related website permitted on the label.
- ❑ The acceptable statement accompanying the DfE Logo on the label will be: “For further information concerning the DfE for Pesticides Program, go to www.epa.gov/oppad0001/XXX.”



Proposed Timeframes

❑ **Suggested EPA review timeframes:**

- 1) **CSF Based Product Statements:** “Amendment without Data” (90 days – FQPA action).
- 2) **Product Packaging Statements:** Consistent with PR Notice 98-10 guidance (Non-PRIA, Non-FQPA)
- 3) **Corporate Commitment Statements:** “Amendment without Data” (90 days – FQPA action).



Timeline for Antimicrobial Pilot

- ❑ Originally, OPP envisioned the Antimicrobial Pilot would be conducted for an 18 month cycle.
- ❑ The subgroup requested additional time to accommodate the State registration process.
- ❑ OPP agrees to a 24 month cycle for “in use” labeling for the Antimicrobial Factual Statement Pilot.



Labeling and Website Violations

- ❑ If, at anytime during this Pilot, the Agency determines a product is making violative claims, the company would be subject to enforcement action.
- ❑ Marketing violations under this Pilot may result in registrant ban from further participation under the Antimicrobial Pilot.



Questions?